

Applicant: David S. Lawrence
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REMARKS

Claims 49-123, 127-131, 133-134 and 137 were pending in the subject application. By this Amendment, Claims 50-55, 72 and 81 have been canceled without prejudice or disclaimer, Claims 49, 56, 73-74, 82-84, 103, 114, 116, 118 and 127 have been amended, and new Claim 138-147 have been added. Accordingly, upon entry of this amendment, 49, 56-71, 73-80, 82-123, 127-131, 133-134 and 137-147 will be pending.

Applicant maintains that the amendments do not raise an issue of new matter. Support for the amendment to Claim 49 can be found at least in Claim 85. Support for the amendments to Claim 56 can be found in at least Claims 67, 71, 73, 75, 77, 78, and 83. Support for the amendments to Claim 103 can be found in at least Claims 104, 106, 108, 109, 114, 116, 118 and 121. Support for new Claims 138-147 can be found at least in Claims 86 and 87. Support for the remaining claim amendments can be found at least in the previous version of the claims. Accordingly, entry of the amendment is respectfully requested.

Claim Objections

1. Claims 67-69, 71, 73, 75-78, 83, 85, 88-91, 95, 97-100, 102, 104, 106-109, 114, 116, 118, 119, 121-123 and 137 are objected to as depending from rejected claims.

Claims 67, 71, 73, 75, 77, 78 and 83 depend from independent Claim 56. Claim 56 has herein above been amended to incorporate the features of Claims 67, 71, 73, 75, 77, 78 and 83. Claim 56 as amended is understood to be allowable. Claims 68-69 and 76 depend from Claim 56.

Claim 85 depends from Claim 49. Claim 49 has been amended to incorporate the features of Claim 85. Claim 49 as amended is understood to be allowable.

Claims 88, 89 and 90 are independent claims that do not depend from any other claims. Claims 91, 95, 97-100 and 102 depend from Claim 90.

Claims 104, 106, 108, 109, 114, 116, 118 and 121 depend from independent Claim 103. Claim 103 has herein above been amended to incorporate the features of Claims 104, 106, 108, 109, 114, 116, 118 and 121. Claim 103 as amended is understood to be allowable. Claims 107 and 119 depend from Claim 103.

Claim 122 is an independent claim that does not depend from any other claims. Claims 123 and 137 depend from Claim 122.

Reconsideration and withdrawal of these objections are respectfully requested.

2. Claims 129-131 are objected to as depending from a withdrawn claim (Claim 94). Claim 94 depends from Claim 90, which is understood to be allowable. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Request for re-instatement of withdrawn species claims

In view of the amendments made herein above, all the independent (i.e., generic) claims are understood to be allowable. Re-instatement of withdrawn claims directed to non-elected species is respectfully requested (37 CFR §1.141, MPEP §806.04(d)).

Rejections under 35 U.S.C. §112, Second Paragraph

Claims 127 and 128 are rejected as appearing contradictory to Claim 60 from which they depend. Claim 127 has been amended to remove the contradiction. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. §102/103

1. Claims 49, 50 and 127 are rejected under 35 U.S.C. §102(b) as being anticipated by Khalil-Rizvi et al. (Biochemistry 36: 4163-4171, 1997).
2. Claims 49-54, 56-58, 60-66, 72, 74, 81, 86, 87, 103, 105, 112, 117, 127 and 133-

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134 are rejected under 35 U.S.C. §103(a) as being unpatentable over Khalil-Rizvi et al. (Biochemistry 36: 4163-4171, 1997) in view of Haugland et al. (U.S. Patent No. 5,635,608).

In view of the claim amendments made herein above, all the independent claims are understood to be allowable. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Supplemental Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the references listed on attached Form PTO/SB/08A (1 page).

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CONCLUSIONS


In view of the amendments and remarks made hereinabove, reconsideration and withdrawal of the objections and rejections set forth in the August 8, 2007 Office Action and passage of the pending claims to allowance are respectfully requested. If there are any minor matters preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

A check in the amount of \$180.00 is enclosed for the fee for submitting an Information Disclosure Statement. No additional fee is deemed necessary in connection with the filing of this response. However, if any other fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Any overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted,

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By 
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